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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6371 of 2026

Gunasekar

Petitioner(s)

Vs

State Rep.by,
The Inspector of Police,
District Crime Branch,
Thiruvannamalai District.

Respondent(s)

PRAYER: Criminal original petition filed under Section 528 of BNSS to call for the entire records in order in Crl.M.P.No.2041 of 2025 in CC.No.436 of 2019 on the file of the Judicial Magistrate Court No.1, Thiruvannamalai dated 01.12.2025 and set aside the same and permit the petitioner to cross examination of the prosecution witness PW-1, PW2.

For Petitioner(s): Mr.P.Pugalthi

For Respondent(s): Mr. Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

This criminal original petition is filed to call for the entire records relating to the order dated 01.12.2025 passed in Crl.M.P.No.2041 of 2025 in CC.No.436 of 2019 by the learned Judicial Magistrate No.1, Thiruvannamalai and set aside the same and permit the petitioner to cross examine P.W.s 1 and 2.



2. The petitioner, who is the 13th accused in C.C. No. 436 of 2019 had filed

a petition before the Trial Court under Section 311 Cr.P.C. to recall P.W.s 1 and

2. The Trial Court, by the order impugned, dismissed the same for the reason that P.W.1 was cross-examined on 01.04.2022; thereafter, P.W.2 was cross-examined on 17.07.2025 and the witnesses were cross-examined at length; further, though the petitioner claims that he wants to mark certain documents, no details as to what are the documents and for what purpose those documents need to be marked have been given. Finding that the case is pending trial from the year 2019, for the past 7 years, due to the delayed cross-examination and dilatory tactics adopted by the petitioner, the Trial Court proceeded to dismiss the petition in Crl.M.P. No. 2041 of 2025 by the order under challenge.

3. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the respondent and perused the materials on record.

4. This Court finds no reason to interfere with the order passed by the Trial Court. If the petitioner proposes to produce any document, the same can be produced and confronted with the Investigating Officer or the petitioner can very well examine himself as a defence witness or any other defence witness and bring it on record.



5. The criminal original petition stands dismissed with the above observation.

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Neutral Citation: Yes/No
nv

To

1. The Inspector of Police,
District Crime Branch,
Thiruvannamalai District.

2. The Judicial Magistrate Court No.1,
Thiruvannamalai

3. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

nv

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